

1 **ALVERSON TAYLOR & SANDERS**
2 KURT R. BONDS, ESQ.
3 Nevada Bar No. 6228
4 DAVID M. SEXTON, ESQ.
5 Nevada Bar No. 14951
6 6605 GRAND MONTECITO PARKWAY
7 SUITE 200
8 LAS VEGAS, NEVADA 89149
9 (702) 384-7000
10 efile@alversontaylor.com
11 *Attorneys for Plaintiffs*

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF NEVADA**

10 EMILY SEARS, NAJOME COLON a/k/a GIA
11 MACOOL, RACHEL BERNSTEIN a/k/a
12 RACHEL KOREN, LUCY PINDER, and
13 MARIANA DAVALOS

14 Plaintiffs,

15 vs.

16 RUSSELL ROAD FOOD AND BEVERAGE,
17 LLC d/b/a CRAZY HORSE III
18 GENTLEMEN'S CLUB; and SN
19 INVESTMENT PROPERTIES, LLC d/b/a
20 CRAZY HORSE III GENTLEMEN'S CLUB

21 Defendants.

Case No. 2:19-cv-01091-APG-NJK

**STIPULATION AND ORDER TO
EXTEND DEADLINE FOR
DISCLOSURE OF EXPERT
WITNESSES AND REPORTS**

[FIRST REQUEST]

21 Plaintiffs, Emily Sears, Najome Colon a/k/a Gia Macool, Rachel Bernstein a/k/a Rachel
22 Koren, Lucy Pinder, and Mariana Davalos (collectively "Plaintiffs"), by and through their
23 counsel, Alverson Taylor & Sanders, and Defendants, Russell Road Food and Beverage, LLC
24 d/b/a Crazy Horse III Gentlemen's Club and SN Investment Properties, LLC d/b/a Crazy Horse
25 III Gentlemen's Club¹ (collectively "Defendants"), by and through their counsel, Bendavid Law,
26 hereby stipulate and agree that the deadline for disclosing expert witnesses and reports, which is
27

28 ¹ Defendant SN Investment disputes that it is "doing business as Crazy Horse III Gentlemen's Club".

1 currently set for December 16, 2019, should be extended by 75 days to March 2, 2020. Due to
2 the extension of the deadline for expert disclosures, the Parties also hereby stipulate and agree
3 that the deadlines for close of discovery, rebuttal experts, the interim status report, dispositive
4 motions, and the pre-trial order be extended 75 days as well, as outlined in the Proposed
5 Extended Discovery Plan below:
6

7 The Parties have conferenced together in an attempt to be proactive and anticipate the
8 amount of time that will actually be needed to perform the required discovery in this matter.
9 Counsel for the Parties have discussed certain conflicts and circumstances arising in the next
10 month that indicate there is good cause for the requested extension and the Parties desire to
11 submit this stipulation now rather than waiting until the last minute to request additional time
12 that will be needed in this matter. There are several reasons why there is good cause to extend
13 the expert disclosure and other deadlines. First, the Parties are hopeful that they may be able to
14 reach a resolution of this matter without the need to proceed all the way through the litigation
15 process and to trial. Plaintiffs have recently received a preliminary estimate of damages from an
16 expert and are hopeful that this number can be used as a starting point for meaningful settlement
17 discussions with Defendants. The Parties feel that granting additional time for normal discovery
18 through written discovery and depositions, as needed, will allow the Parties to obtain additional
19 information that will better allow them to evaluate the possibility of settlement in this matter.
20 However, requiring the Parties to retain and disclose experts early in this process will hamper
21 any negotiations by increasing the costs for both Parties and making settlement more difficult
22 due to those increased costs.
23
24

25 Additionally, another expert who Plaintiffs anticipate needing to retain should
26 negotiations prove unsuccessful will need certain information that Plaintiffs intend to obtain
27 through discovery. Although Plaintiffs have propounded their first sets of Interrogatories and
28

1 Requests for Production on each Defendant, more time will be needed to get Defendants'
2 responses and provide this information to the contemplated expert to give them time to complete
3 their evaluations and reports. Specifically, Plaintiffs anticipate that their expert will need to
4 perform a market research survey to explore possible consumer confusion. In order to complete
5 this survey and the accompanying report, this expert will need information that will be obtained
6 from Defendants via the propounded written discovery that is currently pending and possibly
7 follow up discovery requests and possibly depositions of Defendants depending on the responses
8 to Plaintiffs' first sets of written discovery. Once this information is obtained the expert will need
9 time to formulate and distribute the survey and gather and analyze the results. The timing of this
10 is complicated by conflicts in the expert's schedule during the holidays as well as difficulty in
11 obtaining responses to the market survey if it is distributed during the busy holiday season. The
12 types of experts that it appears will be necessary if the Parties are unable to resolve this matter
13 require time to adequately perform their analysis and evaluation and draft a report.

14
15
16 The Scheduling Order in this case was issued on September 12, 2019. Since that time, the
17 Parties have exchanged and supplemented their Initial Disclosures. Plaintiffs have propounded
18 written discovery in the form of Interrogatories and Requests for Production of Documents on
19 each Defendant. Following service of Plaintiffs' written discovery, the Parties agreed to a
20 stipulated protective order that was signed by the Court on October 31, 2019. The Parties have
21 agreed to an extension of the deadline for Defendants to respond to those discovery requests due
22 to the fact that Defendants' counsel will be out of the country for a period of time and the busy
23 holiday schedule. The Parties have agreed that Defendants' responses to Plaintiffs' first set of
24 written discovery shall be due by December 20, 2019 to accommodate the busy schedules of the
25 Parties and their respective counsel during the holiday season as well to accommodate for
26 defense counsel's time out of the country.
27
28

1 The discovery that remains to be completed includes taking depositions of the Parties as
2 well as depositions of the experts that are retained by each Party after those experts have
3 performed their analysis and generated their reports and the Parties' expert disclosures have been
4 made. The Parties will also likely propound additional written discovery depending on the
5 responses to Plaintiffs' first sets of written discovery and also following the disclosure of the
6 experts the Parties retain in this matter. Pushing back the expert disclosure deadline in this matter
7 is necessary to allow the Parties time to conduct additional written discovery, and possibly
8 depositions, that will be needed by the experts to perform their analysis.

9
10 Additionally, it will give the Parties time to attempt to reach a settlement agreement
11 resolving this matter without the Parties being forced to retain experts and incur costs that will
12 make settlement much more difficult. Because it is necessary to push back the expert disclosure
13 deadlines by 75 days to allow the Parties to gather additional information that is needed to help
14 in settlement negotiations and that will be required by contemplated experts, the Parties
15 anticipate that deadlines for close of discovery, rebuttal experts, the interim status report,
16 dispositive motions, and the pre-trial order will also need to be extended by 75 days as well. For
17 this reason, the Parties have also agreed to extend these other discovery-related deadlines by 75
18 days as well, as outlined in the "Proposed Extended Discovery Plan" provided below.

19
20 **PROPOSED EXTENDED DISCOVERY PLAN**

21
22 The Parties hereby stipulate and agree to extend the discovery deadlines in this case as
23 follows:

24 **EVENT**

PROPOSED NEW DEADLINE

- 25 a) Close of Discovery: Monday, April 27, 2020
26 b) Disclosure of Experts: Monday, March 2, 2020
27 c) Disclosure of Rebuttal Experts: Monday, March 30, 2020
28

- 1 d) Filing of Interim Status Report: Monday, March 2, 2020
2 e) Filing Dispositive Motions: Wednesday, May 27, 2020
3 f) Filing of Pretrial Order: Monday, June 29, 2020
4

5 The Parties agree and stipulate to this 75-day extension to provide adequate time to
6 complete the discovery that will need to be done after expert disclosures are made. The Parties
7 are aware that this is a significant extension but they feel that it is needed for the reasons
8 discussed above and the Parties affirm that this extension is sought in good faith.

9 **IT IS SO STIPULATED.**

10 Dated: November 15, 2019 Dated: November 15, 2019
11 ALVERSON TAYLOR & SANDERS BENDAVID LAW
12

13 By: /s/ David M. Sexton By: /s/ Stephanie J. Smith
14 Kurt R. Bonds, Esq. Jeffery A. Bendavid, Esq.
15 Nevada Bar No. 6228 Nevada Bar No. 6220
16 David M. Sexton, Esq. Stephanie J. Smith, Esq.
17 Nevada Bar No. 14951 Nevada Bar No. 11280
18 6605 Grand Montecito Parkway 7301 Peak Drive
Suite 200 Suite 150
Las Vegas, Nevada 89149 Las Vegas, Nevada 89128
Attorneys for Plaintiffs Attorneys for Defendants

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS SO ORDERED.

The following discovery-related deadlines will be extended 75 days to the dates shown below:

1. Close of Discovery: Monday, April 27, 2020
2. Disclosure of Experts: Monday, March 2, 2020
3. Disclosure of Rebuttal Experts: Monday, March 30, 2020
4. Filing of Interim Status Report: Monday, March 2, 2020
5. Filing Dispositive Motions: Wednesday, May 27, 2020
6. Filing of Pretrial Order: Monday, June 29, 2020

DATED November 18, 2019


UNITED STATES MAGISTRATE JUDGE

**GIVEN THE LENGTHY EXTENSION
BEING PROVIDED, NO FURTHER
EXTNESIONS WILL BE GRANTED.**